

**ZB# 73-32**

**Rita Wood**

**32-2-81**

73-32

Rita Wood.

Public Hearing

Dec. 17, 1973-

8:15 p.m.

Notify OCPD.

Notices to paper on

Dec. 1st.

fees paid

Sent to Julie T. - ~~12~~ 11/73.

# GENERAL RECEIPT

Town of New Windsor, N. Y.

Nº 1732

Received of Pat Delio - Sec. ZBA Dec. 12, 1973  
Ten and 00/100 \$ 10<sup>00</sup>  
 Dollars

For Rita D. Wood Variance Application Fee

DISTRIBUTION		
FUND	CODE	AMOUNT
<u>Rita Wood</u>		
<u>check 544</u>		

Town Clerk  
 TITLE

BY John M. Tuckwell

WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y. 14609

32-2-81

**PUBLIC NOTICE OF HEARING BEFORE THE ZONING BOARD OF APPEALS**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York will hold a public hearing pursuant to Section 48-33 of the Zoning Ordinance on the following proposition:

Appeal No. 33  
Request of RITA WOOD for a Variance of the regulations of the Zoning Ordinance, to permit a general store, being a Variance of Article III, Section 48-10, for property owned by him situated as follows: On South Jackson Avenue (where antique store previously existed) approximately 200 ft. off Rt. 207, Town of New Windsor, N.Y.

SAID HEARING will take place on the 17th day of December, 1973 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 8:15 o'clock P.M.

FRED WYGANT  
Chairman  
By: Patricia Delio  
Secretary

Dec 5

**State of New York**  
**County of Orange, ss:**  
**Olga Trachewsky**

**, being duly sworn deposes and**  
**she Principal Clerk**  
**says that he is ..... of Newburgh-**  
**Beacon News Co., Inc., Publisher of The Evening News.**  
**a daily newspaper published and of general circulation in**  
**the Counties of Orange and Dutchess, and that the notice**  
**of which the annexed is a true copy was published . . . . .**  
**One Time**  
**in said newspaper, commencing on the 5th day of**  
**December A.D., 19 73 , and ending on**  
**the 5th day of December A.D., 19 73**

**Subscribed and sworn to before me this**  
**6th December 19 73**  
**day of**

*Olga Trachewsky*

*Phyllis Luchoff*

**Notary Public of the State of New York, County of Orange.**  
**MY COMMISSION EXPIRES MARCH 30, 19 75**

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 73-32

Date: Nov. 12, 1973

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) RITA D. Wood of So. Jackson Ave. R.D.#2  
(Street & Number)  
Newburgh (New Windsor) New York HEREBY MAKE  
(State)

APPLICATION FOR A VARIANCE:

- A. Location of the Property So. Jackson Ave. R.D.#2 D.S.  
(Street & Number) (Zone)
- B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) ARTICLE #3 SECTION 48-10

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: IN 1966 PROPERTY WAS BOUGHT WITH HOUSE AND ANTIQUE SHOP. LESS THAN 2 YRS LATER OBTAINED BUILDING PERMIT #2 FOR EXTENSION ON EXISTING BUSINESS FOR A GENERAL STORE (VARIETY). DUE TO PERSONAL DIFFICULTIES THE STORE WAS NOT OPENED. I DID NOT WANT BUILDING BECAUSE I THOUGHT IT COULDN'T BE REVERTED BACK TO GENERAL VARIETY STORE AS PLANNED
2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: THE LACK OF MY KNOWLEDGE WHICH MAKES IT NECESSARY FOR VARIANCE BECAUSE THE BUSINESS WAS INACTIVE AND BUILDING UNOCCUPIED FOR OVER THE 2 YEARS TIME ELEMENT. FINANCIALLY IT IS NECESSARY FOR THE BUILDING TO BE PUT TO USE FOR OUR FUTURE EMPLOYMENT. EQUIPMENT APPLIANCES, SHELFING HAVE BEEN BOUGHT DURING BUILDING EXTENSION
3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: THE LOCAL BUSINESS WAS BUILT AND ESTABLISHED BEFORE PURCHASE IN JULY 1966 AFTER ZONING

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: THE STORE WILL BE

A CONVENIENCE TO THE AREA WITH AMPLE OFF STREET PARKING AND OUTSIDE LIGHTING.  
THERE WILL BE ADDITIONAL GRADING & LANDSCAPING MAKING IT VERY PLEASING AND ATTRACTIVE

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: ONLY 1 NEIGHBOR

ON SAME SIDE OF JACKSON AVE FOR A MILE, ST JOSEPH IS LOCATED  
ON THE OPPOSITE SIDE

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

GENERAL VARIETY STORE, CONSISTING OF GROCERIES, DELICATESSEN,  
BAKERY, DRY GOODS, ETC.

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to. Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application

Dated: Nov. 12, 1973

Rita D. Wood  
Signature of Applicant

STATE OF NEW YORK) SS.:  
COUNTY OF ORANGE)

Sworn to on this 12th day of Dec., 19 73.

Patricia Delis

(Notary Public) Orange Co.

My Comm. Exp. 3/31/79

(DO NOT WRITE IN THIS SPACE)

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Application No. 73-32

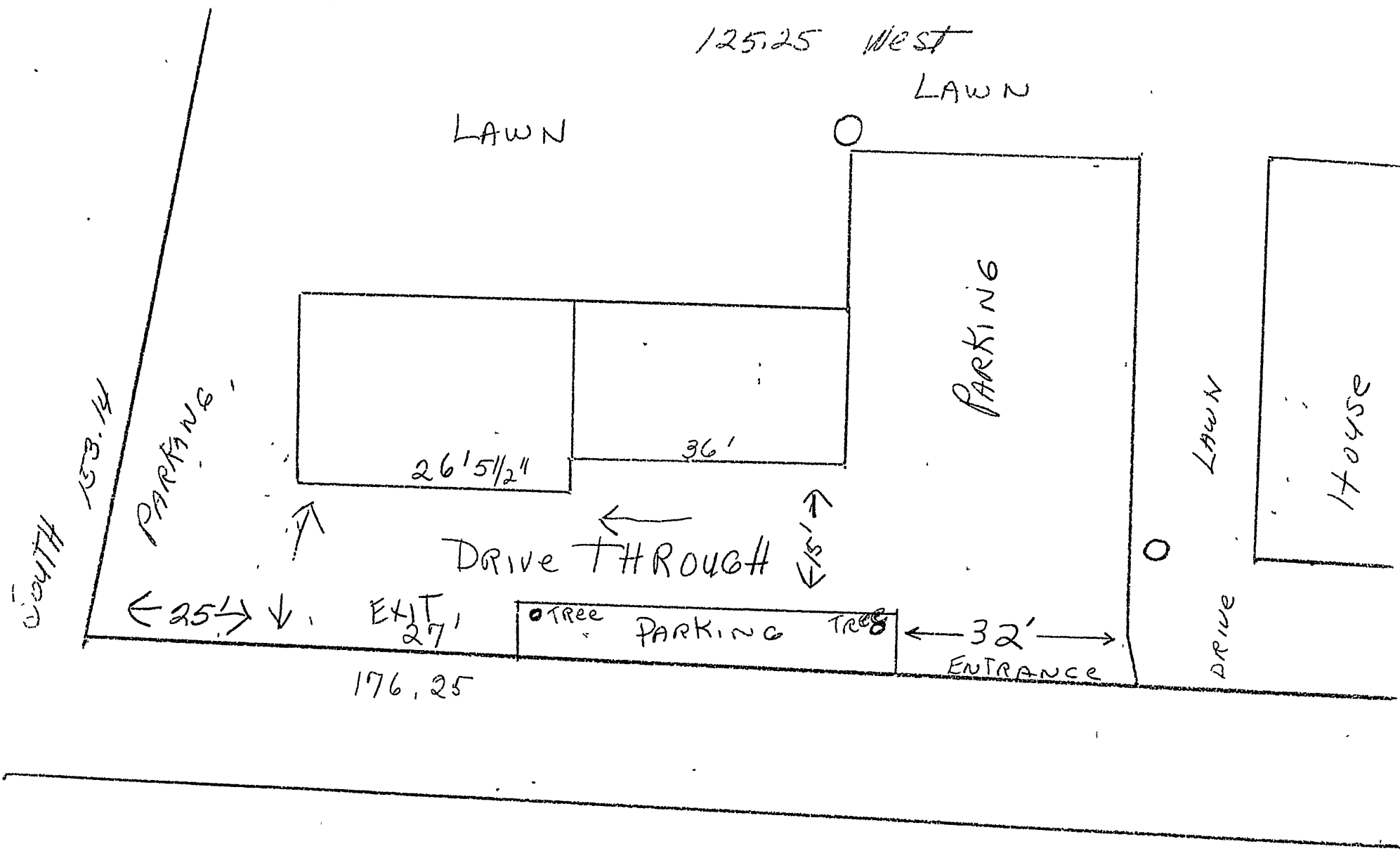
Date of Hearing \_\_\_\_\_

Date of Decision Approved

Date Received \_\_\_\_\_

Notice Published \_\_\_\_\_

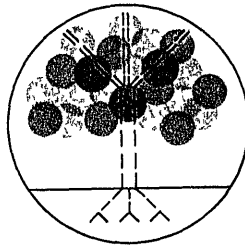
DECISION:



# Department of Planning

Peter Garrison, AIP, Commissioner  
Edwin J. Garling, AIP, Deputy Commissioner

(Our File No. NWT-73-36-M)



The County Building  
Goshen, New York 10924  
(914) 294-5151

# County of Orange

Louis V. Mills, County Executive

December 12, 1973

Mr. Fred Wygant  
% Ms. Patricia Delio  
7 Franklin Avenue  
New Windsor, New York 12550

Re: Variance of Rita Wood

Dear Mr. Wygant:

In accordance with the General Municipal Law, Section 239, 1 and m, we have reviewed the above application and have the following comments:

1. Retail stores are a permitted use in the district in question. The problem centers around area requirements. Strict adherence to the Zoning Law would require the applicant to own or acquire five acres of land. It seems clear to us that practical difficulties prevail here. Present zoning requirements would render the applicant's property unuseable for any retail use.
2. The proposed use would not have a deleterious effect on the surrounding neighborhood.
3. The site plan that was sent to us was inadequate. Site inspection revealed that major landscaping would have to occur to meet parking requirements. As of now, there is no place on the lot suitable for parking.

(Our File No. NWT-73-36-M)

Mr. Fred Wygant

-2-

December 12, 1973

Re: Variance of Rita Wood

We would recommend that the proposed use be granted on the condition that intended alteration meet off-street parking requirements and be subject to the review required by the Town's Law.

Very truly yours,

  
Peter Garrison  
Commissioner of Planning

PG:mj

Encls: 1

Reviewed by:

Thomas Markowski  
Planner



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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Chairman

Ellsworth E. Weyant

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

November 20, 1973

Ms. Rita Wood  
RD#2 Jackson Avenue  
New Windsor, New York 12550

Dear Ms. Wood:

According to my records, the attached list of property owners are within the five hundred (500) feet of the property in question.

The charge for this service is \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads 'Ellsworth E. Weyant'.

ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

EEW/pk



1763

# OFFICE OF THE ASSESSOR

## TOWN OF NEW WINDSOR

Chairman

Ellsworth E. Weyant

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

Bruyn, George S. Jr. & Joyce  
RD#2 Jackson Avenue  
New Windsor, New York 12550

Sisters of the Presentation of the Blessed Virgin, Inc.  
Mt. St. Joseph  
RD#2 Route 207  
New Windsor, New York 12550

MacDowell, Ruth H.  
P.O. Box 2006  
Newburgh, New York 12550

Dill, Marion  
Sycamore Drive RD#3  
New Windsor, New York 12550

Herbert Doynow  
RD#2 Route 207  
New Windsor, New York 12550

MTA  
Stewart Airport  
New Windsor, New York 12550

Baeuerle, E.E. Etal.  
C/O Dr. E.M. Schlick  
65 South Little Tor Road  
New City, New York

Respectfully submitted,

ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

56A-6664  
**Town of New Windsor - Building Permit**

No. 72 JULY 16, 1968

Owner's Name JOHN & RITA WOOD

Address JACKSON AVE R.D. #2

Architect's Name —

Address —

Builder's Name SAMIE AS ABOVE

Address —

Location of Building JACKSON AVE 100 FT. S. OF R.D. #2

Description GENERAL VARIETY STORE

Approved John M. Tuckah

Town Clerk

## IMPORTANT

This card must be kept in a conspicuous place until building is finished.

A permit under which no work is commenced within 6 months after issuance shall expire by limitation and a new permit shall be secured before work is started.

Building Permit Zoning Ordinance  
Article VIII-G

No. 72

July 16, 1968

## **BUILDING PERMIT**

FEE:

A permit is hereby given by the Zoning Officer of the Town of New Windsor, Orange County, N. Y., for building as described:

Owner's Name JOHN & RITA WOOD

Address JACKSON AVE R.D. #2

Architect's Name T

Address .....

Builder's Name OWNER

Address .....

Location of Building JACKSON AVE 100 FT. SOUTH OF R.D. #2

Material FRAME Number of Stories 1 Number of Families 1

Dimensions of Building 36 X 24'7" Dimensions of Lot 176.25 X 153.14

Use of Building GENERAL VARIETY STORE

Number of Toilets ..... Number of Baths .....

Heating Plant .....

I am familiar with the Zoning Ordinance of the Town of New Windsor.

Remarks: .....

Signature of Applicant .....

Approximate Cost \$ 2300-

Louise Jones  
Zoning Officer

A permit under which no work is commenced within 6 months after issuance shall expire by limitation and a new permit shall be secured before work is started.

1966